

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2002-0085 FOR ADMINISTRATIVE ASSESSMENT OF  
CIVIL LIABILITY AGAINST MR. ERNEST MORETTI, FORMER  
SANTA YSABEL CHEVRON, SANTA YSABEL, CALIFORNIA**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having held a public hearing that began on April 10, 2002, and continued on September 11, 2002, to hear evidence regarding the allegations contained in Complaint No. R9-2002-0053, dated February 11, 2002, and on the recommendation for administrative assessment of Civil Liability in the amount of \$42,650 finds the following:

1. The Regional Board, under the authority of California Water Code (Water Code) section 13267, ordered Mr. Ernest Moretti, owner of the former Santa Ysabel Chevron Service Station, to submit by February 24, 2000, a technical report delineating the complete extent of petroleum hydrocarbon-bearing soil and groundwater pollution from the former Santa Ysabel Chevron Service Station, 30360 Highway 78, Santa Ysabel, California.
2. Under the authority of Water Code section 13268, any person failing to furnish a technical report required by section 13267(b) is guilty of a misdemeanor and may be liable civilly.
3. Mr. Moretti failed to file the technical report delineating the complete extent of petroleum hydrocarbon-bearing soil and groundwater pollution from the former Santa Ysabel Chevron Service Station required by the Regional Board on February 24, 2000.
4. Mr. Moretti submitted the technical report to the Regional Board on April 9, 2002. The report fulfilled the requirements of the Regional Board's order and was 774 days late.
5. The Regional Board incurred actual costs of \$12,625 to enforce the requirement for the technical report delineating the complete extent of petroleum hydrocarbon-bearing soil and groundwater pollution from the former Santa Ysabel Chevron Service Station.
6. Mr. Moretti has an annual income that has ranged between \$27,844 and \$36,307 during the last four years, consisting of Social Security payments and a property rental business. Imposition of civil liability of \$55 per day of violation, as recommended in the Complaint, would cause a significant financial hardship to Mr. Moretti. Thus, a reduction of the civil liability to \$16 per day is appropriate in this case.
7. Consideration of the factors prescribed in Water Code section 13327, based upon information available to the Regional Board prior to, and during the April 10, 2002, and September 11, 2002 hearings, and described in greater detail in the staff report titled, *"Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. RB9-2002-0053, issued to Mr. Ernest Moretti for Noncompliance with California*

*Water Code Section 13267, Former Santa Ysabel Chevron, 30350 Highway 78, Santa Ysabel, California,” and “Addendum No. 1 to Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. RB9-2002-0053, issued to Mr. Ernest Moretti for Noncompliance with California Water Code Section 13267, Former Santa Ysabel Chevron, 30350 Highway 78, Santa Ysabel, California,” supports assessment of civil liability in the amount of \$12,384 as follows:*

\$16 per day for 774 days in violation of Water Code section 13267 for a total of \$12,384.

8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Code of Regulations, Chapter 3, Title 14, section 15308.

**IT IS HEREBY ORDERED** that civil liability is imposed on Mr. Moretti, owner of the former Santa Ysabel Chevron Service Station, in the amount of twelve thousand three hundred and eighty four dollars (\$12,384) and that the rationale for the assessment contained in the staff report titled, *“Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. R9-2002-0053, issued to Mr. Ernest Moretti for Noncompliance with California Water Code Section 13267, Former Santa Ysabel Chevron, 30350 Highway 78, Santa Ysabel, California,”* and *“Addendum No. 1 to Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. RB9-2002-0053, issued to Mr. Ernest Moretti for Noncompliance with California Water Code Section 13267, Former Santa Ysabel Chevron, 30350 Highway 78, Santa Ysabel, California,”* is hereby incorporated into this order.

Date Issued: September 11, 2002

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the Order imposing civil liability issued by the California Regional Water Quality Control Board, San Diego Region on September 11, 2002.

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John H. Robertus  
Executive Officer

Date: September 12, 2002